

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

QIANG WEI, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 5:12-CV-00872-RCL
§
SOUTHWEST RESEARCH INSTITUTE, §
§
Defendant. §

**DEFENDANT SOUTHWEST RESEARCH INSTITUTE'S
STATEMENT OF DEFENSES**

NOW COMES Defendant Southwest Research Institute and submits the following Statement of Defenses to be used by the Court in conducting voir dire:

Southwest Research Institute or "the Institute" is one of the oldest and largest independent, nonprofit, applied research and development (R&D) organizations in the United States and is based here in San Antonio. The Institute employs individuals from nine (9) countries and some thirty (30) languages are spoken on its campus every day. Wei is a Chinese-national with a Ph.D. in mechanical engineering. Wei was recruited to SwRI's Emissions R&D Department by Imad Khalek. Khalek also has a Ph.D. in mechanical engineering, is a native of Lebanon, and speaks Arabic, French, and English.

During his brief employment with the Institute, Wei was encouraged to improve his communication skills by engaging more with laboratory staff and clients and by taking appropriate communication classes. Instead of working to improve his skills, Wei became increasingly difficult to work with, which resulted in a "needs improvement" rating on his employee review. Following the review, Wei's job performance deteriorated substantially. Soon after, because of Wei's inability or unwillingness to perform the work for which he was

hired, Khalek was forced to remove Wei from his research projects and recommend his termination. This termination recommendation was approved by Khalek's supervisor, Jeff White as well as Institute management.

Wei's race or national origin or any internal complaints that he may have made while at the Institute played no role in his termination. Furthermore, Wei was never told that he was only allowed to speak English on the Institute campus. The Institute not only respects, but encourages the diversity of its workforce as evidenced by the fact that it does not maintain an English only policy at its worksite.

Respectfully submitted,

NORTON ROSE FULBRIGHT US LLP

By: /s/ Mario A. Barrera
Mario A. Barrera
State Bar No. 01805915
mario.barrera@nortonrosefulbright.com
Stephen J. Romero
State Bar No. 24046756
stephen.romero@nortonrosefulbright.com
300 Convent Street, Suite 2100
San Antonio, Texas 78205
Telephone: (210) 270-7120
Telecopier: (210) 270-7205

Attorneys for Defendant
Southwest Research Institute

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 2015, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

Edith K. Thomas
Law Office of Edith K. Thomas, PLLC
777 Main Street, Suite 400
Fort Worth, Texas 76102

Glenn D. Mangum
Law Offices of Glenn Mangum
924 Camaron
San Antonio, Texas 78212

/s/ Mario A. Barrera

Mario A. Barrera